

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

ABEL CUELLAR LOPEZ, Individually,
and as Wrongful Death Beneficiary of
X.J.L., et al,
Plaintiffs

§
§
§
§
§
§

V.

§
§

CIVIL ACTION NO. 02:24-00079-AM

DANIEL DEFENSE, LLC;
DANIEL DEFENSE HOLDINGS, LLC;
M.C. DANIEL GROUP, INC.;
FIREQUEST INTERNATIONAL, INC.;
FLASH CO., INC.;
PROJECT ECHO HOLDINGS, LLC d/b/a
AMERICAN HOLOPTICS;
KOUCAR MANAGEMENT, LLC; and
OASIS OUTBACK, LLC
Defendants

§
§
§
§
§
§
§
§
§
§
§

**DANIEL DEFENSE, LLC f/k/a DANIEL DEFENSE, INC.,
DANIEL DEFENSE HOLDINGS, LLC, AND M.C. DANIEL GROUP, INC.’S
UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMITS FOR THEIR
REPLY BRIEF IN SUPPORT OF THEIR RULE 12(B)(6) MOTION TO DISMISS**

TO CHIEF UNITED STATES DISTRICT JUDGE ALIA MOSES:

Now come Daniel Defense, LLC f/k/a Daniel Defense, Inc., Daniel Defense Holdings, LLC, and M.C. Daniel Group, Inc. (collectively here, “Daniel Defense”) and file this Unopposed Motion for Leave to Exceed Page Limits for their Reply Brief in Support of their Rule 12(b)(6) Motion to Dismiss.

**I.
REQUEST FOR LEAVE**

This lawsuit arises from the May 24, 2022 shooting at Robb Elementary School. Daniel Defense filed its Motion to Dismiss (Doc. 31) on August 30, 2024. *See* Doc. 10 (Motion for Leave). By agreement, Plaintiffs filed their response (Doc. 33) on October 31, 2024, and Daniel Defense's reply is due on January 17, 2025.

Daniel Defense appreciates the Court's generosity in granting the parties both additional time and pages to fully brief the issues in this case. The Court granted Daniel Defense's unopposed request to exceed the page limits for its motion (46 pages) and Plaintiffs' unopposed request to exceed the page limits for their response (44 pages). Local Rule CV-7(c) limits reply briefs to ten pages. Daniel Defense's reply is 29 pages, exclusive of the caption, table of contents, signature block, and certificates. Given the importance of the legal issues (statutory, procedural, and constitutional) and the significance of the underlying case, Daniel Defense respectfully submits that good cause exists for the Court to grant Daniel Defense leave to file its full reply in support of this motion to dismiss.

Counsel for Daniel Defense has conferred with opposing counsel regarding its motion for leave, and opposing counsel stated they do not oppose its motion.

**II.
CONCLUSION**

WHEREFORE, Defendants Daniel Defense, LLC, Daniel Defense Holdings, LLC, and M.C. Daniel Group, Inc. respectfully request the Court grant them leave to file their Reply Brief in Support of their Rule 12(b)(6) Motion to Dismiss and instruct the Clerk to file said reply (attached as Exhibit 1) pursuant to Local Rule CV-7(b).

Respectfully submitted,

/s/ David M. Prichard

David M. Prichard

State Bar No. 16317900

E-mail: dprichard@prichardyoungllp.com

David R. Montpas
State Bar No. 00794324
E-mail: dmontpas@prichardyoungllp.com

PRICHARD YOUNG, LLP
Union Square, Suite 600
10101 Reunion Place
San Antonio, Texas 78216
(210) 477-7400 [Telephone]
(210) 477-7450 [Facsimile]

***COUNSEL FOR DEFENDANTS,
DANIEL DEFENSE, LLC F/K/A
DANIEL DEFENSE, INC.,
DANIEL DEFENSE HOLDINGS, LLC,
AND M.C. DANIEL GROUP, INC.***

CERTIFICATE OF CONFERENCE

I certify that I conferred with opposing counsel on January 14th, 2025 concerning Defendants' Motion for Leave to Exceed Page Limits for their Reply Brief in Support of their Rule 12(b)(6) Motion to Dismiss. Counsel for Plaintiffs advised that they do not oppose Defendants' request.

/s/ David R. Montpas

David R. Montpas

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of January 2025, I served the following counsel of record through electronic service as authorized by the Federal Rules of Civil Procedure:

Chad Matthews
MATTHEWS & FORESTER
3027 Marina Bay Drive, Suite 320
League City, TX 77573

A.M. “Andy” Landry III
J.J. Hardig, Jr.
GRAY REED
1300 Post Oak Blvd., Suite 2000
Houston, Texas 77056

Thomas W. Fee
Victor A. Rivera
FEE, SMITH & SHARP, L.L.P.
Three Galleria Tower
13155 Noel Road, Suite 1000
Dallas, Texas 75240

Daniel P. Buechler
Zandra E. Foley
THOMPSON, COE, COUSINS & IRONS, L.L.P.
700 N. Pearl Street, 25th Floor
Dallas, TX 75201

Christopher Renzulli
Scott C. Allan
RENZULLI LAW FIRM, LLP
One North Broadway, Suite 1005
White Plains, NY 10601

/s/ David M. Prichard

David M. Prichard